

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

Food Not Bombs Houston et al.,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 4:24-cv-338
)	(Consolidated Case: No. 4:23-cv-1206)
)	
City of Houston, Texas,)	
)	
Defendant.)	
)	

**JOINT MOTION FOR EXTENSION OF JOINT PRETRIAL ORDER AND PRETRIAL
DISCLOSURE DEADLINES**

Pursuant to Federal Rule of Civil Procedure 16(b)(4), Plaintiffs Food Not Bombs Houston and Brandon Walsh (Case No. 4:24-cv-338), Plaintiff Phillip Picone (Case No. 4:23-cv-1206), and Defendant City of Houston (collectively, “the Parties”), respectfully request this Court extend the deadlines for the joint pretrial order and pretrial disclosures. In support of this request, the Parties show:

1. These consolidated cases challenge a City of Houston (“the City” or “City”) ordinance that prohibits Plaintiffs and others from providing food without charge to more than five people in need on City property without the City’s consent. *See* Dkt. 1 (Case No. 4:24-cv-338), Dkt. 8 (Case No. 4:23-cv-1206); Houston City Code § 20-252.

2. On April 12, 2024, this Court entered its scheduling order in Case No. 4:24-cv-338. Dkt. 27. This Court subsequently consolidated *Picone v. City of Houston* (Case No. 4:23-cv-1206) into this case, noting that “[a]ll parties shall abide by the scheduling order currently governing [Case No. 4:24-cv-338].” Dkt. 29.

3. The Parties filed cross-motions for summary judgment on March 28, 2025 and

April 1, 2025. Dkts. 44, 46, 47. These motions are fully briefed and remain pending before this Court.

4. Under the scheduling order, the Parties' joint pretrial order is due August 29, 2025. Dkt. 27.

5. Pursuant to Federal Rule of Civil Procedure 26(a)(3)(B) and Section 11(A)(2) of this Court's Civil Procedures, the Parties' pretrial disclosures are due at least thirty days before trial, and objections to the admissibility of witness testimony or exhibits must be served within fourteen days of the disclosures.

6. To save the Parties, and the Court, the time and expense of trial preparation that may not be needed, in whole or in part, depending on the Court's determination of the Parties' pending cross-motions for summary judgment, the Parties respectfully request that the Court grant this joint motion to extend the deadlines for the joint pretrial order and pretrial disclosures as follows:

- Joint pretrial order due **September 15, 2025**.
- Pretrial disclosures due **September 15, 2025**. The opposing party must, within **ten days** of the disclosures, serve objections to the admissibility of witness testimony or exhibits.

7. The requested extension is supported by good cause and will not prejudice any of the Parties or delay the final pretrial conference, currently set for September 29, 2025, or the trial date, currently set for October 14, 2025.

CONCLUSION

For the above reasons, the Parties request the Court to amend the current deadlines as follows:

- Joint pretrial order due **September 15, 2025**.
- Pretrial disclosures due **September 15, 2025**. The opposing party must, within **ten days** of the disclosures, serve objections to the admissibility of witness testimony or exhibits.

(Signatures on following page)

Respectfully submitted,

Dated: August 21, 2025.

<p><u>/s/ Randall Hiroshige</u> Randall Hiroshige Texas Bar No. 24124299 Southern District No. 3708688 randy@texascivilrightsproject.org Travis Walker Fife Texas Bar No. 24126956 Southern District No. 3734502 travis@texascivilrightsproject.org Christina Beeler Texas Bar No. 24096124 Southern District No. 3695627 christinab@texascivilrightsproject.org Molly Petchenik Texas Bar No. 24134321 Southern District No 3854546 molly@texascivilrightsproject.org Texas Civil Rights Project P.O. Box 1108 Houston, TX 77251-1108 Tel: 512-474-5073</p> <p>Remington Alessi Texas Bar No. 24120245 Southern District No. 3596602 remingtonalessi@gmail.com P.O. Box 230381 Houston, Texas 77223 Tel: 281-438-3733 Fax: 713-583-7973</p> <p>Caitlyn Silhan Texas State Bar No. 24072879 csilhan@waterskraus.com Waters Kraus Paul 3141 Hood Street, Suite 200 Dallas, Texas 75219 Tel: 214-357-6244 Fax: 214-357-7252</p> <p>ATTORNEYS FOR PLAINTIFFS FOOD NOT BOMBS HOUSTON AND BRANDON WALSH (4:24-cv-338)</p>	<p><u>/s/ Randall L. Kallinen</u> Randall L. Kallinen Texas Bar No. 00790995 Southern District No. 19417 attoreykallinen@aol.com Alexander C. Johnson Texas Bar No. 24123583 Southern District No. 3679181 alex@acj.legal Kallinen Law PLLC 511 Broadway Street Houston, Texas 77012 Telephone: 713-320-3785 Fax: 713-893-6737</p> <p>ATTORNEYS FOR PLAINTIFF PHILLIP PICONE (4:23-cv-1206)</p> <p><u>/s/ M. Lucille Anderson</u> M. Lucille Anderson Senior Assistant City Attorney III Federal ID No. 19377 Texas Bar No. 00793260 MLucille.Anderson@houstontx.gov Kenneth S. Soh Senior Assistant City Attorney Federal Bar No. 19783 Texas Bar No. 00794670 Kenneth.Soh@houstontx.gov City of Houston Legal Department P.O. Box 368 Houston, Texas 77001-0368</p> <p>ATTORNEYS FOR DEFENDANT</p>
---	---

CERTIFICATE OF SERVICE

I certify that on August 21, 2025, a true and correct copy of this document was properly served on all counsel of record via electronic filing.

/s/ Randall Hiroshige
Randall Hiroshige

CERTIFICATE OF CONFERENCE

I certify that on August 19 & 21, 2025, Counsel for Plaintiffs Food Not Bombs Houston and Brandon Walsh conferred with Counsel for Plaintiff Phillip Picone and Counsel for Defendant via email. Each Party supports and joins this Motion.

/s/ Randall Hiroshige
Randall Hiroshige